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Date of Deposit: September 10, 2004

Attorney Docket No.: 23239-547

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Epstein, et al.

SERIAL NUMBER : 10/762,915

EXAMINER : Not Yet Assigned

FILING DATE : January 21, 2004

ART UNIT : 1614

FOR : APTAMER THERAPEUTICS USEFUL IN OCULAR
PHARMACOTHERAPY

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants hereby make of record the documents listed on the attached modified Form PTO-1449, as well as copies of the listed documents.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action based on the merits in the above-identified case. Accordingly, no fee or certification is believed required.

It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims, and sign the enclosed form PTO-1449 to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application.


By submitting this Information Disclosure Statement, the Applicants make no representation that: (1) a search has been performed, of the extent of any search performed, or that more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

APPLICANTS: Epstein, et al.
U.S.S.N.: 10/762,915

Notwithstanding any statements by the Applicants, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information. An early and favorable action is hereby requested.

Please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 23239-547.

Respectfully submitted,


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TRANSMITTAL LETTER

Transmitted herewith for filing in the present application are the following documents:


1. Information Disclosure Statement (2 pages), in duplicate;
2. Modified Form 1449/PTO (3 pages), in duplicate;
3. Copies of Cited References: A1-21; B1-8; C1-59; and
4. Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 542-6000, Boston, Massachusetts.

The Commissioner is authorized to charge any fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311 Ref. No. 23239-547.

A duplicate copy of this transmittal letter is enclosed herewith.

Respectfully submitted,


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Attorney Docket No.: 23239-547

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Modified Form 1449/PTO				Application Number		10/762,915	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Filing Date		January 21, 2004	
				First Named Inventor		Epstein	
				Group Art Unit		1614	
				Examiner Name		Not Yet Assigned	
				Attorney Docket Number		23239-547	
U.S. PATENT DOCUMENTS							
Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate
	A1	3,710,795	01/16/73	Higuchi, et al.	128	260	
	A2	5,262,564	11/16/93	Kun, et al.	562	430	
	A3	5,496,938	03/05/96	Gold, et al.	536	22.1	
	A4	5,567,588	10/22/96	Gold, et al.	435	6	
	A5	5,580,737	12/03/96	Polisky, et al.	435	6	
	A6	5,589,332	12/31/96	Shih, et al.	435	6	
	A7	5,637,459	06/10/97	Burke, et al.	435	6	
	A8	5,648,214	07/15/97	Nieuwlandt, et al.	435	6	
	A9	5,660,985	08/26/97	Pieken, et al.	435	6	
	A10	5,668,264	09/16/97	Janjic, et al.	536	23.1	
	A11	5,674,685	10/07/97	Janjic, et al.	435	6	
	A12	5,683,867	11/04/97	Biesecker, et al.	435	6	
	A13	5,705,337	01/06/98	Gold, et al.	435	6	
	A14	5,707,796	01/13/98	Gold, et al.	435	6	
	A15	5,763,177	06/09/98	Gold, et al.	435	6	
	A16	5,834,186	11/10/98	George, et al.	435	6	
	A17	5,859,228	01/12/99	Janjic, et al.	536	24.3	
	A18	6,011,020	01/04/00	Gold, et al.	514	44	
	A19	6,051,698	04/18/00	Janjic, et al.	536	24.31	
	A20	6,207,816 B1	03/27/01	Gold, et al.	536	24.1	
	A21	6,229,002 B1	05/08/01	Janjic, et al.	536	23.1	
U.S. PUBLISHED APPLICATION DOCUMENTS							
Exam Initials	Cite No.	U.S. Published Application No.	Published Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate
FOREIGN PATENT DOCUMENTS							
Exam Initials	Cite No.	Foreign Patent Document Office Number	Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes No		
	B1	WO 98/08974	Intelligene Ltd.	03/05/98			
	B2	WO 98/18480	Nexstar Pharmaceuticals, Inc.	05/07/98			
	B3	WO 98/27104	Yale University	06/25/98			
	B4	WO 99/31276	Nexstar Pharmaceuticals, Inc.	6/24/99			
	B5	WO 00/70329	Brandeis University	11/23/00			
	B6	WO 01/66721 A2	Ribozyme Pharmaceuticals, Inc.	09/13/01			
	B7	WO 02/22882 A2	Archemix Corporation	3/21/02			

	B8	WO	03/014375 A2	Archemix Corporation	2/20/03		
OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS							
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.					
	C1	Belyea, et al., <i>Am. J. Phthlalmol.</i> , 124(1):40-45 (1997).					
	C2	Blindish, et al., <i>Ophthalmol.</i> , 109(7):1336-1342 (2002).					
	C3	Breaker, R.R., <i>Curr. Opin. Biotech.</i> , 7:442-448 (1996).					
	C4	Breaker, R.R., <i>Chem. Rev.</i> , 97:371-390 (1997).					
	C5	Breaker, R.R., <i>Curr. Opin. Chem. Biol.</i> , 1:26-31 (1997).					
	C6	Breaker, R.R., <i>Nat. Biotech.</i> , 15:427-431 (1997).					
	C7	Breaker, R.R., Intracellular Ribozyme Applications in Principles and Protocols, pgs. 1-19; Horizon Scientific Press, Wymondham UK, Rossi and Couture, eds., (1999).					
	C8	Breaker, R.R., <i>Curr. Opin. Biotech.</i> , 13:31-39 (2002).					
	C9	Broadway, et al., <i>Invest. Ophthalmol. Vis. Sci.</i> , "Adjunctive anti-TGFβ2 human Mab as a novel agent to prevent scarring following phacotrabeculectomy", 43:E-Abstract 3331 (2002).					
	C10	Carmi, et al. <i>Chem. & Biol.</i> , 3:1039-1046 (1996).					
	C11	Cordeiro, et al., <i>Invest. Ophthalmol. Vis. Sci.</i> , 40:1975-1982 (1999).					
	C12	Cordeiro, et al., <i>Gene Therapy</i> , 10(1):59-71 (2003).					
	C13	Cotten, et al., <i>Nucl. Acid Res.</i> , 19(10):2629-2635 (1991).					
	C14	Enaida, et al., <i>Fukushima J. Med. Sci.</i> , 44(1):43-52 (1998).					
	C15	Froehler, et al., <i>Nucl. Acid Res.</i> , 14(13):5399-5407 (1986).					
	C16	Froehler, et al., <i>Tet. Lett.</i> , 27(46):5575-5578 (1986).					
	C17	Gold, L., <i>Nat. Biotech.</i> , 20: 671-672 (2002).					
	C18	Greenwald, et al., <i>J. Org. Chem.</i> , 60(2):331-336 (1995).					
	C19	Hamaguchi, et al., <i>Anal. Biochem.</i> , 294:126-131 (2001).					
	C20	Harris, et al., <i>Nature Rev. Drug Discov.</i> , 2(3):214-221 (2003).					
	C21	Hartig, et al., <i>Nat. Biotech.</i> , 20:717-722 (2002).					
	C22	Hirose, et al., <i>Tet. Lett.</i> , 28:2449-2452 (1978).					
	C23	Hobbs, et al., <i>Biochem.</i> , 12(25):5138-5145 (1973).					
	C24	Jellinek, et al., <i>Biochem.</i> , 34(36):11363-11372 (1995).					
	C25	Jenne, et al., <i>Nat. Biotech.</i> , 19:56-61 (2001).					
	C26	Koizumi, et al., <i>Nucl. Acids Symp. Ser.</i> , 42:275-276 (1999).					
	C27	Koizumi, et al., <i>Nat. Struct. Biol.</i> , 6(11):1062-1071 (1999).					
	C28	Kraus, et al., <i>J. Immunol.</i> , 160:5209-5212 (1998).					
	C29	Kupin, et al., <i>Am. J. Ophthalmol.</i> , 119:30-39 (1995).					
	C30	Li, et al., <i>Curr. Opin. Struct. Biol.</i> , 9:315-323 (1999).					
	C31	Li, et al., <i>Proc. Natl. Acad. Sci. USA</i> , 96:2746-2751 (1999).					
	C32	Lin, et al., <i>Nucl. Acids Res.</i> , 22(24):5229-5234 (1994).					
	C33	Marshall, et al., <i>Nat. Struct. Biol.</i> , 6(11):992-994 (1999).					
	C34	Membrey, et al., <i>Br. J. Ophthalmol.</i> , 84:1154-1158 (2000).					
	C35	Ochiai, et al., <i>Jpn. J. Ophthalmol.</i> , 46(3):249-253 (2002).					
	C36	Padilla, et al., <i>Nucl. Acids Res.</i> , 30(24):e138 (2002).					
	C37	Pagratis, et al., <i>Nat. Biotechnol.</i> , 15(1):68-73 (1997).					
	C38	Pieken, et al., <i>Science</i> , 253:314-317 (1991).					

C39	Potyrailo, et al., <i>Anal. Chem.</i> , 70:3419-3425 (1998).
C40	Robertson, et al., <i>Nucl. Acids Res.</i> , 28(8):1751-1759 (2000).
C41	Robertson, et al., <i>Nat. Biotech.</i> , 17:62-66 (1999).
C42	Robertson, et al., <i>Nat. Biotech.</i> , 19:650-655 (2001).
C43	Sassanfar, et al., <i>Nature</i> , 364:550-553 (1993).
C44	Seetharaman, et al., <i>Nat. Biotech.</i> , 19:336-341 (2001).
C45	Seiwert, et al., <i>Chem. & Biol.</i> , 7:833-843 (2000).
C46	Sood, et al., <i>Nucl. Acids Res.</i> , 4(8):2757-2765 (1977).
C47	Soukup, et al., <i>Proc. Natl. Acad. Sci. USA</i> , 96:3584-3589 (1999).
C48	Soukup, et al., <i>RNA</i> , 5:1308-1325 (1999).
C49	Soukup, et al., <i>Structure</i> , 7(7):783-791 (1999).
C50	Soukup, et al., <i>Tren. Biotech.</i> , 17:469-476 (1999).
C51	Soukup, et al., in <i>Ribozyme Biochem. Biotech.</i> , Eaton Publishing, Chapter 8, pgs. 149-170, Krupp & Gaur, eds. (2000).
C52	Soukup, et al., <i>RNA</i> , 7:524-536 (2001).
C53	Soukup, et al., <i>J. Mol. Biol.</i> , 298:623-632 (2000).
C54	Sproat, et al., <i>Nucl. Acids Res.</i> , 19(4):733-738 (1991).
C55	Tang, et al., <i>Chem. & Biol.</i> , 4:453-459 (1997).
C56	Tang, et al., <i>Nucl. Acids Res.</i> , 26(18):4214-4221 (1998).
C57	Tang, et al., <i>RNA</i> , 3:914-925 (1997).
C58	Tripathi, et al., <i>Exp. Eye Res.</i> , 58(5):523-528 (1994).
C59	Tucker, et al., <i>J. Chromatography B.</i> , 732:203-212 (1999).

A copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. _____, filed _____, and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.